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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,845	06/13/2000	Mark Rosenberg	5547	5201

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DENVER, CO 80202-5647

EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT PAPER NUMBER

3624

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/592,845

Applicant(s)

ROSENBERG, MARK

Examiner

Narayanswamy Subramanian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-84 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

*Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-6, drawn to a method for providing an investment structure, comprising receiving funds to be invested, investing a first portion of the funds in a fixed component generating principal plus fixed interest, investing a second portion of the funds in a contingent component generating contingent interest, re-investing at least a portion of the fixed interest in the fixed component and re-investing at least a portion of the contingent interest in the contingent component, classified in class 705, subclass 35.

II. Claims 7-12, drawn to a method for providing an investment structure, comprising receiving funds to be invested, investing a first portion of the funds in a fixed component generating principal plus fixed interest, investing a second portion of the funds in a contingent component generating contingent interest, distributing at least a portion of the fixed interest and re-investing at least a portion of the contingent interest in the contingent component, classified in class 705, subclass 35.

III. Claims 13-18, drawn to a method for providing an investment structure, comprising receiving funds to be invested, investing a first portion of the funds in a fixed component generating principal plus fixed interest, investing a second portion of the funds in a contingent component generating contingent interest, re-investing at least a portion of the fixed interest in the fixed component and distributing at least a portion of the contingent interest, classified in class 705, subclass 35.

IV. Claims 19-24, drawn to a method for providing an investment structure, comprising receiving a plurality of funds to be invested, investing first portions of the plurality of

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funds in a pooled fixed component generating principal plus pooled fixed interest, investing second portions of the plurality of funds in a pooled contingent component generating pooled contingent interest, re-investing at least a portion of the pooled fixed interest in the pooled fixed component and re-investing at least a portion of the pooled contingent interest in the pooled contingent component, classified in class 705, subclass 35.

V. Claims 25-30, drawn to a method for providing an investment structure, comprising receiving a plurality of funds to be invested, investing first portions of the plurality of funds in a pooled fixed component generating principal plus pooled fixed interest, investing second portions of the plurality of funds in a pooled contingent component generating pooled contingent interest, distributing at least a portion of the pooled fixed interest and re-investing at least a portion of the pooled contingent interest in the pooled contingent component, classified in class 705, subclass 35.

VI. Claims 31-36, drawn to a method for providing an investment structure, comprising receiving a plurality of funds to be invested, investing first portions of the plurality of funds in a pooled fixed component generating principal plus pooled fixed interest, investing second portions of a first set of the plurality of funds in a pooled distribution contingent component generating first pooled contingent interest, investing second portions of a second set of the plurality of funds in a pooled reinvestment contingent component generating second pooled contingent interest; distributing at least a portion of the pooled fixed interest, distributing at least a portion of the first pooled contingent interest and re-investing at least a portion of the second pooled contingent interest in the pooled re-investment contingent component, classified in class 705, subclass 35.

VII. Claims 37-42, drawn to a method for providing an investment structure, comprising receiving a plurality of funds to be invested, investing first portions of the plurality of funds in a pooled fixed component generating principal plus pooled fixed interest, investing second portions of a first set of the plurality of funds in a pooled distribution contingent component generating first pooled contingent interest, investing second portions of a second set of the plurality of funds in a pooled reinvestment contingent component generating second pooled contingent interest, re-investing at least a portion of the pooled fixed interest in the pooled fixed component, distributing at least a portion of the first pooled contingent interest and re-investing at least a portion of the second pooled contingent interest in the pooled reinvestment contingent component, classified in class 705, subclass 35.

VIII. Claims 43-48, drawn to an investment structure comprising a fixed component investing a first portion of funds and generating principal plus fixed interest, and a contingent component investing a second portion of the funds and generating contingent interest, wherein at least a portion of the fixed interest is re-invested in the fixed component and at least a portion of the contingent interest is re-invested in the contingent component, classified in class 705, subclass 35.

IX. Claims 49-54, drawn to an investment structure comprising a fixed component investing a first portion of funds and generating principal plus fixed interest and a contingent component investing a second portion of the funds and generating contingent interest, wherein at least a portion of the fixed interest is distributed and at least a portion of the contingent interest is re-invested in the contingent component, classified in class 705, subclass 35.

X. Claims 55-60, drawn to an investment structure comprising a fixed component investing a first portion of funds and generating principal plus fixed interest and a contingent component investing a second portion of the funds and generating contingent interest, wherein at least a portion of the fixed interest is re-invested in the fixed component and at least a portion of the contingent interest is distributed, classified in class 705, subclass 35.

XI. Claims 61-66, drawn to an investment structure comprising a pooled fixed component investing first portions of a plurality of funds and generating principal plus pooled fixed interest and a pooled contingent component investing second portions of the plurality of funds and generating pooled contingent interest, wherein at least a portion of the pooled fixed interest is re-invested in the pooled fixed component and at least a portion of the pooled contingent interest is re-invested in the pooled contingent component, classified in class 705, subclass 35.

XII. Claims 67-72, drawn to an investment structure comprising a pooled fixed component investing first portions of a plurality of funds and generating principal plus pooled fixed interest and a pooled contingent component investing second portions of the plurality of funds and generating pooled contingent interest, wherein at least a portion of the pooled fixed interest is distributed and at least a portion of the pooled contingent interest is re-invested in the pooled contingent component, classified in class 705, subclass 35.

XIII. Claims 73-78, drawn to an investment structure comprising a pooled fixed component investing first portions of a plurality of funds and generating principal plus pooled fixed interest, a pooled distribution contingent component investing second portions of a first set of the plurality of funds and generating first pooled contingent interest, and a pooled re-

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investment contingent component investing second portions of a second set of the plurality of funds and generating second pooled contingent interest, wherein at least a portion of the pooled fixed interest is distributed, at least a portion of the first pooled contingent interest is distributed, and at least a portion of the second pooled contingent interest is re-invested in the pooled re-investment contingent component, classified in class 705, subclass 35.

XIV. Claims 79-84, drawn to an investment structure comprising a pooled fixed component investing first portions of a plurality of funds and generating principal plus pooled fixed interest, a pooled distribution contingent component investing second portions of a first set of the plurality of funds and generating first pooled contingent interest, and a pooled re-investment contingent component investing second portions of a second set of the plurality of funds and generating second pooled contingent interest, wherein at least a portion of the pooled fixed interest is re-invested in the pooled fixed component, at least a portion of the first pooled contingent interest is distributed, and at least a portion of the second pooled contingent interest is re-invested in the pooled reinvestment contingent component, classified in class 705, subclass 35.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to a method for providing an investment structure, comprising receiving funds to be invested, investing a first portion of the funds in a fixed component generating principal plus fixed interest, investing a second portion of the funds in a contingent component generating contingent interest, re-investing at least a portion of the

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fixed interest in the fixed component and re-investing at least a portion of the contingent interest in the contingent component, whereas invention II relates to a method for providing an investment structure, comprising receiving funds to be invested, investing a first portion of the funds in a fixed component generating principal plus fixed interest, investing a second portion of the funds in a contingent component generating contingent interest, distributing at least a portion of the fixed interest and re-investing at least a portion of the contingent interest in the contingent component. See MPEP § 806.05(d). Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Inventions III and I are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to a method for providing an investment structure, comprising receiving funds to be invested, investing a first portion of the funds in a fixed component generating principal plus fixed interest, investing a second portion of the funds in a contingent component generating contingent interest, re-investing at least a portion of the fixed interest in the fixed component and re-investing at least a portion of the contingent interest in the contingent component, whereas invention III relates to a method for providing an investment structure, comprising receiving funds to be invested, investing a first portion of the funds in a fixed component generating principal plus fixed interest, investing a second portion of the funds in a contingent component generating contingent interest, re-investing at least a portion of the fixed interest in the fixed component and distributing at least a portion of the contingent interest. See MPEP § 806.05(d). Because these inventions are distinct for the reasons given



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above and the search required for Group III is not required for Group I, restriction for examination purposes as indicated is proper.

Inventions IV and I are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to a method for providing an investment structure, comprising receiving funds to be invested, investing a first portion of the funds in a fixed component generating principal plus fixed interest, investing a second portion of the funds in a contingent component generating contingent interest, re-investing at least a portion of the fixed interest in the fixed component and re-investing at least a portion of the contingent interest in the contingent component, whereas invention IV relates to a method for providing an investment structure, comprising receiving a plurality of funds to be invested, investing first portions of the plurality of funds in a pooled fixed component generating principal plus pooled fixed interest, investing second portions of the plurality of funds in a pooled contingent component generating pooled contingent interest, re-investing at least a portion of the pooled fixed interest in the pooled fixed component and re-investing at least a portion of the pooled contingent interest in the pooled contingent component. See MPEP § 806.05(d). Because these inventions are distinct for the reasons given above and the search required for Group IV is not required for Group I, restriction for examination purposes as indicated is proper.

Inventions V and I are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to a method for providing an investment structure, comprising receiving funds to be invested, investing a first portion of the funds in a

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fixed component generating principal plus fixed interest, investing a second portion of the funds in a contingent component generating contingent interest, re-investing at least a portion of the fixed interest in the fixed component and re-investing at least a portion of the contingent interest in the contingent component, whereas invention V relates to a method for providing an investment structure, comprising receiving a plurality of funds to be invested, investing first portions of the plurality of funds in a pooled fixed component generating principal plus pooled fixed interest, investing second portions of the plurality of funds in a pooled contingent component generating pooled contingent interest, distributing at least a portion of the pooled fixed interest and re-investing at least a portion of the pooled contingent interest in the pooled contingent component. See MPEP § 806.05(d). Because these inventions are distinct for the reasons given above and the search required for Group IV is not required for Group I, restriction for examination purposes as indicated is proper.

Similarly other pairing of inventions stated above are related as sub combinations disclosed as usable together in a single combination. These inventions are distinct from each other as can be evident from the definition of the groups described above. Also they require separate searches and hence restriction of these inventions for examination purposes as indicated is proper.

4. A telephone call was made to Lance L. Vietzke on May 2, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

5. Applicants are advised that reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703) 305-7687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian  
May 12, 2003

Richard Weisberger  
Primary Examiner